

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

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JAVIER AVILA,

Plaintiff,

vs.

FEDERAL DEPOSIT INSURANCE
CORPORATION *as receiver on behalf,*

Defendants.

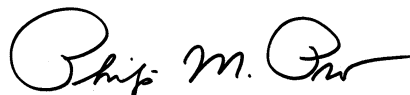
2:11-CV-00122-PMP-PAL

ORDER

Before the Court for consideration is Defendant FDIC's Motion to Dismiss, or in the Alternative Motion for Summary Judgment (Doc. #7) filed February 15, 2011. On March 7, 2011, the Court approved the Stipulation of the Parties to extend the deadline for filing of plaintiff's response to and including March 18, 2011. Plaintiff, however, as failed to file a timely response in opposition to Defendant's Motion and thereby consents to the relief requested. Moreover, a review of Defendant's Motion shows that Defendant FDIC is entitled to the relief requested on the merits.

IT IS THEREFORE ORDERED that Defendant FDIC-Receiver's Motion to Dismiss (Doc. #7) is **GRANTED**, and that Plaintiff's Complaint is hereby dismissed.

DATED: March 21, 2011.



PHILIP M. PRO
United States District Judge